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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,030	03/15/2004	Jens Staack	60091.00278	6867

32294 7590 01/24/2007
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TYSONS CORNER, VA 22182

EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,030

Applicant(s)

STAACK, JENS

Examiner

Amancio Gonzalez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 2, 5, 6, 8, 9, 14-16, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 33, 34, 37, 38, 40, 42, 43, 46, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram".

Consider claims 1, 15, 26, 33, and 42, Ehram discloses initiating a packet-based service session in a mobile communication system (**see Ehram: col. 1 lines 9-11, col. 2 lines 63-67, col. 3 lines 1-3**). Ehram discloses sending a triggering

message to at least one first mobile terminal of a mobile communication system

(triggering message reads on triggering event -see Ehksam: Abstract, col. 1 lines 21-32, col. 2 lines 35-41, col. 3 lines 4-20, col. 4 lines 35-45). Ehksam discloses the triggering message including information about a packet-based service session to be started **(see Ehksam: col. 2 lines 65-67, col. 3 lines 1-3, col. 4 lines 35-45).** Ehksam discloses receiving the triggering message in the at least one first mobile terminal **(see Ehksam: Abstract, col. 4 lines 35-45).** Ehksam discloses in response to the receiving step, bringing at least one of the at least one first mobile terminal to a state allowing reception of packets belonging to the packet-based service session from a packet data network belonging to the mobile communication system **(see Ehksam: Abstract, col. 9 lines 50-61).**

Consider claims 2 and 27, Ehksam teaches claims 1 and 26 above respectively; and further discloses packet data connectivity (see Ehksam: col. 1 lines 57-62, col. 5 lines 25-34, col. 6 lines 8-17).

Consider claims 5, 6, 19, 20, 28, 29, 30, 31, 37, 38, 46, and 47, Ehksam teaches claims 3, 4, 17, 18, 35, 36, and 45 above respectively, and further discloses mobile registration a push-to-talk service (see Ehksam: col. 1 lines 57-62, col. 3 lines 30-32).

Consider claims 8 and 22, Ehksam, as modified by Maggenti, teaches claims 1 and 15 above respectively, and further discloses executing the sending step in a second mobile terminal (see Ehksam: col. 3 lines 4-13).

Consider claim 9, Ehram teaches claim 1 above, and further discloses sending triggering message in a system including push-to-talk service (triggering message reads on triggering event -see Ehram: Abstract, col. 2 lines 65-67, col. 3 lines 1-3 and 30-32).

Consider claims 14 and 25, Ehram teaches claims 1 and 15 above respectively, and further discloses multimedia service (see Ehram: col. 1 lines 62-66).

Consider claims 16, 34 and 43, Ehram teaches claims 15, 33, and 42 above respectively, and further discloses establishing connection for data transmission with a previously disconnected mobile terminal (dormant reads on disconnected -see Ehram: Abstract, col. 1 lines 9-11, col. 6 lines 36-44).

Consider claims 40 and 49, Ehram teaches claims 33, and 42 above respectively, and further discloses substantially reducing delay in push-to-talk communication (see Ehram: col. 3 lines 14-20).

5. Claims 3, 4, 7, 11, 17, 18, 21, 23, 32, 39, 41, 48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram", in view of Maggenti (US Pat 6477150), hereafter "Maggenti."

Consider claims 3, 4, 17, 18, 28, 29, 35, 36, 44, and 45, Ehram teaches claims 1, 2, 15, 16, 26, 33, 34, 42 and 45 above respectively, but does not refer particularly to mobile terminal registration. Maggenti discloses mobile terminal registration (see Maggenti: col. 10 lines 46-50). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and

have it include mobile terminal registration, as taught by Maggenti, thereby allowing group communication only among authorized user terminals.

Consider claims 7, 21, and 32, Ehram teaches claims 1, 15, and 26 above respectively, but does not particularly refer to sending message along a non-data path. Maggenti discloses implicitly sending a message via a non-data path (the user has the option to use different services -see Maggenti: col. 10 lines 20-29). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and have it include different services options, as taught by Maggenti, thereby providing a mobile terminal with multi-system, data or non-data service, performance capability.

Consider claims 11, 12, 13, 39, and 48, Ehram teaches claims 1, 33, and 42 above respectively, but does not mention timing a session. Maggenti further discloses timing a sending session (see Maggenti: col. 27 lines 56-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and have it include session timing, as taught by Maggenti, thereby monitoring the duration a data session.

Consider claims 41 and 50, Ehram teaches claims 33, and 42 above respectively, but does not explicitly refer to a mobile terminal with multi-system interface capability. Maggenti further discloses a mobile terminal with multi-system interface capability (can operate using one or more service options -see Maggenti: col. 7 lines 31-38, col. 9 lines 52-67 and col. 10 lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of

Ehrsam and have it include mobile terminal with multi-system interface capability, as taught by Maggenti, thereby providing a mobile terminal with the option of communicating in either a packet data or non-packet data system.

6. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrsam (US Pat 7020098), hereafter "Ehrsam", in view of Borsan (US Pat 7146163), hereafter "Borsan."

Consider claims 10 and 24, Ehrsam teaches claims 1 and 15 above respectively, but does not particularly refer to triggering short message service. Borsan discloses triggering short message s (see Borsan: Abstract, col. 2 lines 62-67, col. 3 lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehrsam and have it include triggering short message, thereby providing means for establishing a packet-based data real time media session, as taught by Borsan (see Borsan: col. 1 lines 9-11).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrsam (US Pat 7020098), hereafter "Ehrsam", in view of Weiner (US PGPub 20060268750), hereafter "Weiner."

Consider claim 23, Ehrsam teaches claim 1 above, but does not mention specifically mention general packet radio service. Weiner discloses general packet radio service (see Weiner: pars. 0001, 0009, 0012, 0025, 0028). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the

invention of Ehram and have it include general packet radio service, as taught by Weiner, thereby providing means for establishing a push-to-talk voice over internet protocol session.

Conclusion

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

January 19, 2007



NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600